

MSA-S-1829-5296

REVISID 3/5/05  
SOL 66405  
REVISID 7/13/05 - KAD  
REVISID 12/10/05 - KAD  
NK 4/18/09

410  
482  
7005

Martin O'Malley  
Governor

Anthony G. Brown  
Lt. Governor



Margaret G. McHale  
Chair

Ren Serey  
Executive Director

STATE OF MARYLAND  
CRITICAL AREA COMMISSION  
CHESAPEAKE AND ATLANTIC COASTAL BAYS

1804 West Street, Suite 100, Annapolis, Maryland 21401  
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[www.dnr.state.md.us/criticalarea/](http://www.dnr.state.md.us/criticalarea/)

April 13, 2009

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
28712 Glebe Road, Suite 2  
Easton, Maryland 21601

**Re: Sherwood Forest Revision and Subdivision  
M1102; L1108 TM 22, P199, Lots 2 & 8**

Dear Ms. Verdery:

Thank you for providing information on the above-referenced subdivision and line revision. The applicant is proposing to create a minor three-lot subdivision and line revision. The parcel is 200.551 acres in size, with 86.809 acres located within the Critical Area and designated Resource Conservation Area (RCA). All proposed subdivision activity will occur outside the Critical Area boundary of the site. As a result of this line revision, the Critical Area of Lot 2 will decrease in size from 82.662 acres to 66.689 acres, while Lot 8 will increase in size from 4.147 acres to 20.000 acres. Total forest coverage within the Critical Area is 18.783 acres (21.6%).

Based on the information provided, we have the following comments on this proposed subdivision:

1. Please have the applicant revise the lot lines for Lots 10 and 11 so that both lots are located entirely outside of the Critical Area.
2. If forest is cleared for any development on the Critical Area portion of this lot in the future, 1:1 mitigation will be required, provided the clearing is less than 20% of the lot.
3. Please have the applicant more clearly delineate the abandoned property line between Lots 2 and 8. In addition, please specify the purpose of the proposed lot line revision.

TTY for the Deaf

Annapolis: (410) 974-2609 D.C. Metro: (301) 586-0450



4. The proposed project is located in a waterfowl concentration area. Therefore, time of year restrictions for shoreline work will apply that between November 15 and March 1.

Finally, we would like to note that, in the context of lot consolidation and reconfiguration, it has long been required that a local program shall include procedures to bring grandfathered lands into conformance with Critical Area Program requirements insofar as possible (COMAR 27.01.02.07.B.2.a). In addition, Chapter 119 of the 2008 Laws of Maryland now requires that local Critical Area programs shall contain provisions and procedures, including those for lot consolidation and reconfiguration, in order to bring grandfathered lands into conformance with the County's Critical Area Law and Program to the extent possible. This requirement is intended, in part, to recognize that while impacts to Habitat Protection Areas (HPA), including the Buffer, may be unavoidable in developing individual grandfathered lots of record, opportunities exist to minimize impacts to HPAs where grandfathered lands can be combined and/or reconfigured. Talbot County is required to develop, gain Critical Area Commission approval, and formally adopt provisions to assure that the consolidation and reconfiguration of existing grandfathered lots brings the affected lots and land into conformance with the Critical Area Program to the extent possible. Given the absence of such language in the County Code, the County should consider the following:

As of January 1, 2009, the County's existing procedures for lot consolidations or reconfigurations under the Critical Area law must have been submitted to the Commission. To comply with the requirements of House Bill 1253 (Chapter 119 of the 2008 Laws), where absent, a local jurisdiction must develop procedures to be incorporated into the local program and must ensure that grandfathered lots and lands are brought into conformance with the Critical Area Program "to the extent possible." Thus, all local decisions regarding lot consolidations or reconfigurations must address how the proposed reconfiguration or consolidation has been brought **to the extent possible** into conformance with the Critical Area law and local program, specifically addressing the protection of water quality and habitat. In developing procedures, local jurisdictions, at a minimum, need to make written findings regarding:

- (1) The grandfathered status of the lots;
- (2) Factors considered in determining approval; and
- (3) How each factor ensures that the requirements of the Critical Area law and goals of the program have been met.

At this time, Commission staff is not requesting this information in regard to the above-referenced project. However, we would like to make the County aware that, once State regulations concerning lot consolidation and configuration are published and finalized, the information above will be required for all proposed line revisions lot reconfigurations within the Critical Area.

In the interim, as Talbot County proceeds with future proposed lot reconfiguration absent procedures in the current Code, we recommend that the County make formal written

findings by utilizing the Commission's draft regulations for lot consolidation and reconfiguration. Please let us know if your office requires the latest copy of this language.

Thank you for the opportunity to provide comments on this lot line abandonment and line revision request. If you have any questions, please call me with any questions at (410) 260-3483.

Sincerely,

A handwritten signature in cursive script that reads "Nick Kelly".

Nick Kelly  
Natural Resource Planner  
cc: TC 92-05

Robert L. Ehrlich, Jr.  
*Governor*

Michael S. Steele  
*Lt. Governor*



Martin G. Madden  
*Chairman*

Ren Serey  
*Executive Director*

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December 2, 2005

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Zell Property-Revised  
(Tax Map 22, Parcel 199)

Dear Ms. Verdery:

This letter is in response to the Critical Area Forest Preservation and Plant and Plant and Wildlife Enhancement Plan received in conjunction with the ongoing review of the above referenced subdivision.

It appears that the above referenced plan is intended to demonstrate the location of the afforestation areas in fulfillment of the 15% afforestation requirement within the Critical Area. While the plantings shown on the plan to meet this requirement are generally acceptable, we note that the plan does not include any references to the additionally required Buffer plantings. Provided that the applicant is aware that additional Buffer plantings are necessary to fully establish the Buffer, and that this additional Buffer establishment requirement is now included on the subdivision plat, we have no further comments.

Thank you for the opportunity to provide comments for this forest preservation plan. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Kerrie Gallo".

Kerrie L. Gallo  
Natural Resource Planner  
TC 765-04

Robert L. Ehrlich, Jr.  
Governor



Michael S. Steele  
Lt. Governor

Martin G. Madden  
Chairman

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October 17, 2005

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Zell Property-Revised  
(Tax Map 22, Parcel 199)

Dear Ms. Verdery:

This letter is in response to our continuing review of the above referenced subdivision. Per the most recent plat received, the following comments remain outstanding.

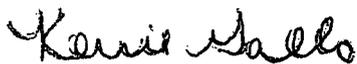
- 1) The applicant has stated that the Talbot County Planning Officer has been asked to make a decision on the status of the streams on the property. To date, it remains the Commission's position that the feature running from west to east along the southwestern property line is a stream. This assessment was based upon conditions as they exist in the field, and on a detailed analysis of the best available historical information. Additionally, this feature appears to originate from a large pocket of non-tidal wetlands and outfalls to tidal wetlands. As a stream, this watercourse requires a 100-foot Buffer. For clarity, I have provided a highlighted copy of the site plan showing the water feature in question.
- 2) With the application of the 100-foot Buffer on the southwesterly stream referenced above, the portion of driveway shown on proposed Lot 2 appears to lie within the Buffer. In addition, it appears that the proposed location of the well on Lot 2 may encroach into the Buffer. Should it be determined that the Buffer is applicable to this portion of the site, the driveway and well should be moved, or a variance must be obtained.
- 3) *The following comment was unaddressed by the applicant.* Given that there is an existing dwelling on Lot 5, please clarify the intent of the proposed sewage disposal area on this lot.

Mary Kay Verdery  
Zell Subdivision-revised  
October 17, 2005  
Page 2

- 4) It appears that portions of the Buffer will require establishment on each of the proposed lots.  
Please add a note which references this requirement.

Thank you for the opportunity to provide comments for this revised line revision and subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
TC 765-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
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July 12, 2005

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Zell Property-Revised  
(Tax Map 22, Parcel 199)

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised major line revision and subdivision request. The revised plan proposes to create eight lots. The Critical Area portion of the property lies within a designated Resource Conservation Area (RCA).

The following comments are provided based on the revised plat, the determination made by the Planning Director, George Kinney, as to the watercourse on Lots 2 and 5, the Critical Area Forest Preservation & Plant and Wildlife Enhancement Plan, and a site visit conducted on April 26, 2005.

- 1) While the majority of concerns surrounding the protection of the streams on the property have been addressed, there is one remaining stream which we believe to be inaccurately labeled as a ditch. Specifically, the feature running from west to east along the southwestern property line was assessed by the Commission's science advisor, LeeAnne Chandler, to be a stream. This assessment was based upon conditions as they exist in the field and on a detailed analysis of the best available historical information. Additionally, this feature is shown on the Talbot County Soil Survey as an intermittent stream, and it outfalls into the tidal wetlands. As a stream, this watercourse requires a 100-foot Buffer.
- 2) The current subdivision plat and the Critical Area Forest Preservation & Plant and Wildlife Enhancement Plan show conflicting information regarding the delineation of water features

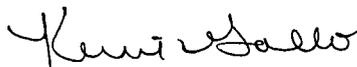
Mary Kay Verdery  
Zell Subdivision-revised  
July 12, 2005  
Page 2

as streams or ditches, and the related Critical Area Buffers. These materials should be consistent. Please clarify these discrepancies.

- 3) With the application of the 100-foot Buffer on the southwesterly stream referenced above, the portion of driveway shown on proposed Lot 2 appears to lie within the Buffer. The driveway should be moved so as to avoid impacts to the Buffer, as ample area exists to accommodate this move. In addition, it appears that the proposed location of the well on Lot 2 may encroach into the Buffer, and should also be moved.
- 4) Please provide a detailed summary of the existing impervious surface areas on Lots 2 and 5. In addition, please ensure that the State-owned tidal wetland areas on Lots 5 and 6 are deducted from the impervious surface area calculations.
- ✓ 5) The plat contains a note that states the natural conservation areas shall be maintained in passive use and limited to two mowings per year. Where the natural conservation areas overlap with the Buffer, mowing is not permitted. Please amend this plat note to reflect this distinction.
- ✓ 6) Please refer to comment #5 above in reference to the protection of Forest Interior Dwelling Birds (FIDS) within the Critical Area. Mowing within FIDS habitat is not permitted. Please amend the note to accurately reflect this information, or remove the natural conservation area status from the overlapping FIDS habitat areas.
- 7) Given that there is an existing dwelling on Lot 5, please clarify the intent of the proposed sewage disposal area on this lot.

Thank you for the opportunity to provide comments for this revised line revision and subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
TC 765-04

Robert L. Ehrlich, Jr.  
Governor



Michael S. Steele  
Lt. Governor

Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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March 8, 2005

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

Re: Zell Property-Revised  
(Tax Map 22, Parcel 199)

Dear Ms. Verdery:

Thank you for providing information on the above referenced revised major line revision. The revised plan proposes to create eight lots. The Critical Area portion of the property lies within a designated Resource Conservation Area (RCA).

Based on the information provided, we have the following comments regarding this revised line revision proposal.

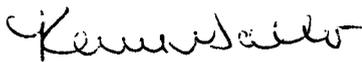
- 1) The plat shows multiple features which require further clarification and possible verification by a certified professional.
  - The farm swale shown was previously labeled as an intermittent stream. How was this change in designation determined?
  - There is an agricultural ditch shown running from an area of wetlands into the forest cover outside of the Critical Area, where it dead ends. Please clarify whether this is a man-made ditch or an existing natural feature in use as a ditch.
  - There is an intermittent stream shown with a note stating that a determination by the Army Corps will be made regarding its status as a stream. Please note that the purpose of the ACOE's determination is to clarify whether the waterway in question is considered "waters of the US". This determination does not necessarily indicate whether the waterbody is considered a tributary stream as defined by the Talbot County Critical Area Program. If necessary, a field assessment of the resource can be

made via a site visit with Critical Area staff and appropriate coordinating resource agencies.

- 2) The site plan does not include impervious surface area calculations. Please include a summary of the existing and proposed impervious areas for each lot, including all driveways and roads.
- 3) The existing forest cover conditions are described as 96.98 acres overall, with 26.76 acres within the Critical Area and 26.16 acres outside the Critical Area. These numbers do not add up to 96.98 acres. In addition, please ensure that the existing forest cover conditions within the Critical Area do not include wetlands areas as forest cover.
- 4) It appears that the Buffer areas shown on all the lots and the intermittent streams will require establishment via afforestation. Please add appropriate notes referring to this requirement.
- 5) The development rights summary states that 1 grandfathered development right was derived from the existing Parcel Number 5, Deed 1230-585. The parcel that this deed references does not appear to be shown on the site plan or is not labeled as described. Please clarify.
- 6) The DNR Heritage letter indicates that the large forested area on the property is identified as potential Forest Interior Dwelling Bird (FIDS) habitat. While only a small portion of this forested area lies within the Critical Area, development should be restricted within this area, as ample opportunity exists to development elsewhere. A note should be added to the plat which details this restriction.

Thank you for the opportunity to provide comments for this revised line revision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner  
TC 765-04

Robert L. Ehrlich, Jr.  
Governor



Martin G. Madden  
Chairman

Michael S. Steele  
Lt. Governor

Ren Serey  
Executive Director

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*\* dev. rights being talked about  
w/ Mike Pollen*

November 9, 2004

Ms. Mary Kay Verdery  
Talbot County Office of Planning and Zoning  
11 N. Washington Street  
Courthouse  
Easton, Maryland 21601

*Per TAC 11/10/04  
• Tabled until plot is corrected/wetlands  
areas delineated.*

Re: Zell Property  
(Tax Map 22, Parcel 199)

Dear Ms. Verdery:

Thank you for providing information on the above referenced major line revision. The applicant proposed to create six lots, with ten Critical Area development rights. The Critical Area portion of the property lies within a designated Resource Conservation Area (RCA).

Based on the information provided, we have the following comments regarding this line revision proposal.

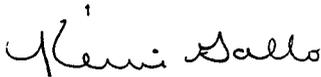
- 1) The development rights summary is based upon the existence of Parcel 1-Tract A, Parcel 1-Tract B, Parcel 1-Tract C, Parcel 2, and Parcel 1230 as separate, legally recorded parcels bearing grandfathered rights. Based on available records, this office has only been able to verify that Parcel 199 exists as one 273-acre grandfathered parcel. Please have either the applicant or the Talbot County Office of Planning and Zoning provide evidence that the parcels are legally recorded as shown and bear individual grandfathered development rights.
- 2) Parcel 1-Tract A shows an existing sewage disposal area and driveway. If this is to be a future dwelling site, it should be labeled and the development rights summary adjusted.
- 3) The impervious area calculations for the Critical Area are incorrect. The impervious surface calculations for Revised Parcel 1-Tract A show that 582,186 sq. ft. of impervious surface area is allowed per the 15% limit. According to the plat, there is no existing impervious surface area. Therefore, the remaining allowable impervious surface area should be 582,186, not 629,596.

Mary Kay Verdery  
Zell Subdivision  
November 9, 2004  
Page 2

- 4) Based on the information provided, it appears that the tidal wetland areas shown have been taken from the DNR Wetland Boundary Maps. A field delineation must be conducted by a certified professional in order to determine accurate tidal wetland boundaries. In addition, Talbot County soil maps indicate that hydric soils of the Elkton and Othello series soils may be present on the property. If present, the property may be subject to expanded Buffer areas for hydric soils.
- 5) If the individual parcels shown on the site plan are to be buildable lots, it appears that the Buffer areas will require afforestation and in some cases, establishment.

Thank you for the opportunity to provide comments for this subdivision request. Please contact me at (410) 260-3482 if you have any questions.

Sincerely,



Kerrie L. Gallo  
Natural Resource Planner

TC 765-04

Robert L. Ehrlich, Jr.  
Governor

Michael S. Steele  
Lt. Governor



Martin G. Madden  
Chairman

Ren Serey  
Executive Director

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October 3, 2003

Mary Kay Verdery  
Talbot County Office of Planning & Zoning  
11 N Washington Street  
Courthouse  
Easton, Maryland 21601-3178

Re: Fred Zell  
M1041

Dear Ms. Verdery:

I have received the major lot line revision for the Fred Zell property. The applicant proposes to create five lots with ten density rights that are almost entirely in the RC portion of the property. I have outlined my comments below.

1. It appears the total allowable dwelling units in the RC portion of the property are limited to seven. All lots will be considered new; therefore, there are no grandfathered development rights associated with the existing parcels if they will be changed, as appears to be the case with the subdivision request.
2. When the area of State tidal wetlands is deducted from 160 acres the resulting acreage is 158 acres, which allows seven dwelling units.
3. Will the County allow more than one dwelling unit per parcel? If so, will one be considered a primary structure and the other an accessory?
4. The County should receive a letter from the Department of Natural Resources, Heritage and Biodiversity Division prior to final recordation to ensure all habitat areas are identified and adequately protected.
5. The 100-foot Buffer shall be reestablished on those lots that will convert to a residential use. Reestablishing the Buffer includes planting the various layers of forest with native species.

Ms. Verdery  
October 3, 2003  
Page Two

6. The impervious surface information on the plan appears correct; however, the County must ensure it includes existing roads as well as other impervious areas.
7. Please have the applicant provide the clearing acreage that will be required for the proposed private road. How wide will the pavement be? We recommend minimizing the width of pavement to reduce forest clearing.

Thank you for the opportunity to comment. Please telephone me if you have any questions at (410) 260-3478.

Sincerely,



Lisa A. Hoerger  
Natural Resources Planner

cc: TC 664-03

# Lane Engineering, Inc.

Established 1986

Civil Engineers • Land Planning • Land Surveyors

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Cambridge, Maryland 21613  
Tel 410-221-0818  
Fax 410-476-9942

117 Bay Street  
P.O. Box 1767  
Easton, Maryland 21601  
Tel 410-822-8003  
Fax 410-822-2024

114B West Water Street  
Centreville, Maryland 21617  
Tel 410-758-2095  
Fax 410-758-4422

April 26, 2005

Chesapeake Bay Critical Area Commission  
C/o Ms. Kerrie Gallo  
C/o Ms. Lee Ann Chandler  
1804 West Street, Suite 100  
Annapolis, Md. 21401

RE: Lands of Zell, Talbot County – “Sherwood Forest”

Dear Kerrie and Lee Ann:

Thank you for meeting with us at the “Sherwood Forest” site yesterday. Please find enclosed a copy of the plan reviewed at the site with Mr. Zell, Heather Beavin of Talbot SCS and Stark McLaughlin of Lane Engineering, Inc. The plan shows the existing farm road and road culverts at the site, as well as the proposed planting and agricultural ditches and regulated waterways as we discussed.

For purposes of discussion, we have addressed the issues as you would encounter them driving in the farm road from the main driveway. The first crossing is the crossing that is the most important due to the regulatory issues that we discussed. As we learned, the Army Corps (Rod Schwarm) does not feel this farm ditch is regulated; no permit is required to place the culvert or road crossing that is the existing farm road. This is mostly due to the fact that the farm ditch has no established bed and bank nor real stream base flow, does not have a meander like a stream, contains no wetlands vegetation in the ditch and is tilled through during cropping. Most of the ditch is in soil types mapped as uplands. It is apparent that a majority of this farm has been significantly drained with a very large farm ditch constructed in the 1980's or prior.

MDE is of the opinion that the farm ditch may be regulated as a Waters of the State. Al Kampmeyer believes that a permit may be required from the State for the culvert pipe to remain, but that a bottomless culvert (eliminating the fill of the actual pipe in the 1' wide farm ditch waterway) would release the road crossing from any State permit review.



[www.laneengineering.com](http://www.laneengineering.com)  
[mail@laneengineering.com](mailto:mail@laneengineering.com)

**RECEIVED**

MAY 27 2005

CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

The Talbot County Zoning Ordinance defines any mapped stream from a USGS 7.5 minute quad in the Critical Area as having a Buffer and classifies the 100' on either side of the stream as a Habitat Protection Area (HPA). Mr. Zell is extremely sensitive to this issue and is very interested in both preserving and enhancing the water quality and habitat value of the farm.

The Zoning Ordinance recognizes that, from time to time, discretion needs to be applied when qualifying a mapped stream as a waterway needing the 100' Buffer and the HPA labels. The Zoning Ordinance allows the Planning Director (after a review of all available information) to agree that a mapped stream can be simply a "farm ditch" and not a stream requiring the HPA label. As is evident on this farm, other mapped streams do not exist and clearly do not meet the definition of an HPA. Based on our review of the site and with concurrence of the Corps, we feel that this farm ditch and surrounding area do not meet the HPA or stream definitions as described in the Talbot County Zoning Ordinance.

Mr. Zell is intent on doing a first class job at the farm as it relates to conservation measures and water quality and habitat improvement. Mr. Zell proposes to establish a grassed waterway in the 200' conservation area at this first road crossing, create and enhance the buffer(s) and will create a wildlife corridor between the large block of contiguous forest to the west and the large forested portions of the farm to the north as part of the project. This will include a 200' habitat and water quality planting area along the farm ditch and 100' Shoreline Development Buffer, while further enhancing the area with plantings along the existing stream limits extending westward from the tidal marshes on the site. This is in addition to the 15+- acres of voluntary planting to be installed at the entrance to the property and on other parts of Lot 2. The total area of planting would be approximately 20 acres mostly to occur in the Critical Area.

All of the above measures are intended to enhance the water quality and habitat value of the farm.

The other option which has been discussed is to open up a new roadway from MD Route 579 through the mature forest cover to access the farm. This would require approximately 1.5 – 2.0 acres of clearing of mature forest cover and FIDS habitat and is not the preferred method to access the site.

April 26, 2005  
Critical Area Commission  
Page 3

Please let me know if it would be beneficial to meet on site with Al Kampmeyer , Rod Schwarm or any other regulators to assist in the finding that, based on the particulars of this project, the first crossing is not considered a stream or an HPA. We will continue to work with Mr. Kampmeyer to satisfy any State permit issues as directed.

We hope that, based on the plans discussed and promises made here, the project may move forward using the farm road as installed at the site with no special action from other reviewing agencies. We see the project as designed as a "win/win situation" for all involved.

Please call me if there is any other information that could help. We have provided a copy of the farm plan and Wetland Worksheet for the site for your use. Thank you for all of your help with this project.

Sincerely,  
Lane Engineering, Inc.

*Sean Callahan, EIT*

Sean Callahan  
Project Manager

cc: Fred Zell

Al Kampmeyer, MDE  
Rod Schwarm, Corps  
Mary Kay Verdery, Talbot PZ  
George Kinney, Talbot PZ  
*Kerrie Gallo, CAC*  
*Craig Zinter, Talbot SCD*



## TALBOT COUNTY OFFICE OF PLANNING & ZONING

COURT HOUSE

11 N. WASHINGTON STREET  
EASTON, MARYLAND 21601

PHONE: 410-770-8030

FAX: 410-770-8043  
TTY: 410-822-8735

### MEMORANDUM

October 3, 2005

To: The Technical Advisory Committee  
From: George Kinney, Planning Officer *AK*

Re: Zell Property Watercourse Determination (#2)  
Sherwood Forest Subdivision  
Tax Map 22, Grid 12, Parcel 199

As it pertains to the above-mentioned subdivision, I have been asked to determine whether a second watercourse would be classified by the Planning and Zoning Office as a ditch or intermittent stream. The latter determination would require the extension of a 100' Buffer through the length of the watercourse within the Critical Area and a 50' Buffer along the remainder. The watercourse in question runs adjacent to proposed lot number 1 and through lot number 2 as shown on the "Critical Area Forest Preservation & Plant & Wildlife Enhancement Plan" dated April 25, 2005.

In order to make this determination, I conducted a personal site visit and solicited the opinion of the Talbot Soil Conservation District (see attached comments). This said, it is my opinion and/or determination that Lane Engineering has correctly identified the watercourse as an "Exist. Excavated Ag Ditch". This determination is based on the following:

- Section §190-14 of the Talbot County Zoning Code notes the definition of an intermittent stream as "a stream in which surface water is absent during a part of the year as shown on the most recent<sup>1</sup> 7.5-minute topographic quadrangle published by the United States Geological Survey or<sup>2</sup> as confirmed by field verification and at the discretion of the Planning Department".

Pursuant to this definition, I first looked at the "State of Maryland - Department of Natural Resources Maryland Geological Survey Topographic Map of Talbot County", which is compiled from 7.5 minute topographic quadrangles of the U.S. Army Corps of Engineers and U.S. Geological Survey. This map does not denote the watercourse in

question. This was followed by a site visit which, in my opinion, confirmed the watercourse to be a ditch.

This decision does not preclude compliance with any state or federal agency requirements which may differ from this opinion. This decision is appealable by any party affected but must be made to the Talbot County Board of Appeals within thirty (30) days from the date of this memo.

*'The 7.5-minute topographic quadrangle used is dated 1950.*

*'The definition appears to provide for considerable discretion as a determination can be made based on the Survey (first part) or at the discretion of the Planning Office based on a site inspection and field verification (second part).*



L 991

Kerric

## TALBOT COUNTY OFFICE OF PLANNING & ZONING

COURT HOUSE

11 N. WASHINGTON STREET  
EASTON, MARYLAND 21601

PHONE: 410-770-8030

FAX: 410-770-8043  
TTY: 410-822-8735

June 15, 2005

Mr. Sean Callahan, Project Manager  
Lane Engineering, Inc.  
117 Bay Street  
P.O. Box 1767  
Easton, Maryland 21601

Re: Zell Property Watercourse Determination  
Sherwood Forest Subdivision  
Tax Map 22, Grid 12, Parcel 199

As it pertains to the above-mentioned subdivision, I have been asked to determine whether a watercourse would be classified by the Planning and Zoning Office as a ditch or intermittent stream. The latter determination would require the extension of a 100' Buffer through the length of the watercourse within the Critical Area and a 50' Buffer along the remainder. Further, such decision would require the approval of a Buffer encroachment variance in order to retain a previously constructed roadway that currently crosses said watercourse. The watercourse in question runs adjacent to proposed lot number 5 and through lot number 2 as shown on the "Critical Area Forest Preservation & Plant & Wildlife Enhancement Plan" dated April 25, 2005.

In order to make this determination, I conducted a personal site visit and later held a meeting on June 13, 2005 that included representatives from the United States Army Corps of Engineers, the Maryland Department of the Environment, and the State Critical Area Commission. Each provided their criteria for stream determination and rationale for classification, which varied. I also asked the Talbot Soil Conservation District to attend this meeting in order to assist me with this decision by routing through the discussion and providing me with an opinion. I appreciate the time that each of these individuals took to meet and discuss their viewpoints and positions.

This said, it is my opinion and/or determination that Lane Engineering has correctly identified the watercourse limits of the 100' Buffer as shown on the "Critical Area Forest Preservation & Plant & Wildlife Enhancement Plan" dated April 25, 2005 and as such, no variance is required. This determination is based on the following:

- Section §190-14 of the Talbot County Zoning Code notes the definition of an intermittent stream as “a stream in which surface water is absent during a part of the year as shown on the most recent<sup>1</sup> 7.5-minute topographic quadrangle published by the United States Geological Survey or<sup>2</sup> as confirmed by field verification and at the discretion of the Planning Department”.

Pursuant to this definition, I first looked at the “State of Maryland – Department of Natural Resources Maryland Geological Survey Topographic Map of Talbot County”, which is compiled from 7.5 minute topographic quadrangles of the U.S. Army Corps of Engineers and U.S. Geological Survey. This map clearly indicates the watercourse in question as intermittent. This was followed by a site visit which, in my opinion, did not entirely confirm this finding.

In this case, the survey and field verification did not appear to support one another and it is my belief that the definition is set up for this very purpose. It is my understanding that most of the quad data is dated and not necessarily field verified. This definition takes that into account and allows for some flexibility based on current situations occurring as a result of past actions or changes. The Soil Conservation District provided additional data<sup>3</sup> including aerials showing that a portion of this watercourse has been straightened and farmed for a considerable period of time. Although it may have been correctly designated as an intermittent stream in the past, it is my opinion that the portion running along the topside of the roadway no longer functions as such due to this conversion.

In closing, I am basing this determination, in part, on the successful implementation of the proposed “200’ wildlife corridor and planting conservation area” and the proposed “afforestation (WHIP planting) areas” as noted on the “Critical Area Forest Preservation & Plant & Wildlife Enhancement Plan” dated April 25, 2005. Further, this decision does not preclude compliance with any state or federal agency requirements which may differ from this opinion. This decision simply permits the applicant to move forward without having to request variance from the Talbot County Board of Appeals. Finally, I would note that this decision is appealable by any party affected by the decision but must be made to the Talbot County Board of Appeals within thirty (30) days from the date of this letter.

Sincerely,



George Kinney, ACIP  
Talbot County Planning Officer

Cc: Andy Hollis, Talbot County Manager  
Mike Pullen, Talbot County Attorney  
Mary Kay Verdery, Assistant Planning Officer

*Illegal*

*-No grounds for this*



John White  
Kerrie Gallo, Critical Area Commission  
Rod Schwarm, Army Corps of Engineers  
Al Kampmeyer, MDE  
Craig Zinter, Talbot County Soil Conservation District

<sup>1</sup>The 7.5-minute topographic quadrangle used is dated 1950.

<sup>2</sup>The definition appears to provide for considerable discretion as a determination can be made based on the Survey (first part) or at the discretion of the Planning Office based on a site inspection and field verification (second part).

<sup>3</sup>Additional data used in rendering this decision included, but was not limited to: soil survey information, USGS quadrangle survey sheets, aerial photographs, the Lane Engineering plat described herein, and the testimony of the meeting attendants. All is available should anyone desire to view it.

## Gallo, Kerrie

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**From:** George Kinney [gkinney@talbgov.org]  
**Sent:** Tuesday, July 12, 2005 10:05 AM  
**To:** Gallo, Kerrie  
**Cc:** Serey, Ren; Mike Pullen; Andy Hollis; Mary Kay Verdery  
**Subject:** RE: Zell Stream

Kerrie,

I appreciate your thoughts but as indicated previously, I believe you are directing these comments to the wrong agency. I am sure you would be better served coordinating with or asking these questions of your sister agencies including the Soil Conservation District and Maryland Department of the Environment.

As mentioned to you previously, the Talbot County Planning and Zoning Office does not issue permits for grading and/or road construction nor would we endeavor to do so. This Office does not possess the capability of reviewing road construction activity absent qualified personnel and it is simply not within our bailiwick.

I think we also discussed previously that Talbot County does not require the review of agricultural and/or farm lanes as it is not considered to be a development activity. From a logistical standpoint, no County agency is currently positioned to review such requests. Further, this County has implemented right-to-farm legislation and directed comprehensively planned policy to ensure the continued viability of agriculture with the intent of supporting an already struggling and economically challenged farming community.

Certainly the failure of this project to receive or not receive a farm plan does not reside with this agency nor is it the result of an oversight on the part of this Office. It would seem appropriate for you to contact the proper review authority to ensure a more comprehensive process if one is desired or necessary. This Office is certainly willing to participate, to the extent practical, in any such endeavor you wish to facilitate and/or undertake.

Finally, I would mention that any decision or action taken by this office is subject to appeal as mentioned in the majority of our correspondence, including but not limited to the Zell decision, and no such decision contemplates or attempts to usurp the authority of any other agency. Hope this helps and thanks for the inquiry.

George K.

-----Original Message-----

**From:** Gallo, Kerrie [mailto:KGallo@dnr.state.md.us]  
**Sent:** Monday, July 11, 2005 4:36 PM  
**To:** George Kinney  
**Cc:** Serey, Ren; Esslinger, Regina  
**Subject:** RE: Zell Stream

George,

Back when you issued this decision in June, I asked you to provide us with some additional information regarding the County's action on, or assessment of, the development of the road (Sherwood Forest Lane) in the Critical Area on the Zell property. The road appears large enough that it should have triggered Critical Area staff review per the requirements in COMAR. We were not sent this road construction activity for review.

In addition, it is my understanding that MDE had determined the road to be a violation, and that there were no County permits for the road. If I am wrong on this, or your understanding is different, please let me know. Based on information from Heather Beavin of SCD, the road was not part of an approved farm plan, as there is (or was) no current valid farm plan for the property. It is my belief that this road was built in violation within the Critical Area with the intent of servicing a new residential subdivision.

I have received the latest Zell subdivision plat for review at the July TAC. Lane's response indicates that there has been an approval issued for a plan for the road by the SCD. I am concerned that Lane's approach to construct a road and then obtain the proper permits or approvals after-the-fact seems to have gone unnoticed, or that there does not seem to be a process to trigger the required reviews of these types of activities within the Critical Area. I can appreciate that this subdivision in particular has raised some challenging issues. It would be much appreciated if you could offer a response in regard to the road and my concerns. Thanks in advance,

Kerrie Gallo

Natural Resources Planner  
Critical Area Commission  
410-260-3482

-----Original Message-----

From: George Kinney [mailto:gkinney@talbgov.org]  
Sent: Thursday, June 16, 2005 3:41 PM  
To: Gallo, Kerrie  
Subject: RE: Zell Stream

Thanks for coming down Kerrie. Your thoughts were extremely helpful and it was a very difficult decision. Craig Zinter with the Talbot Conservation office and I talked about it well after you all left. I think I am going to take this to the Planning Commission next month and ask them to help me develop a better policy for making these determinations in the future. Maybe falling back to one organization or something along those lines. If you have any thoughts, let me know.

Gk

Ps. Zell letter is attached.

-----Original Message-----

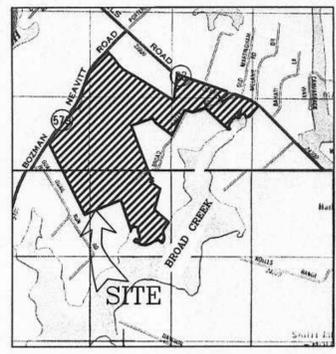
From: Gallo, Kerrie [mailto:KGallo@dnr.state.md.us]  
Sent: Wednesday, June 15, 2005 1:53 PM  
To: George Kinney  
Subject: Zell Stream

Hi George,

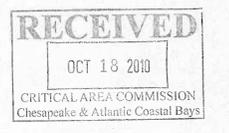
Just checking on the status of your Zell stream decision. Any thoughts? I see that it is back at TAC this month. Thanks,

Kerrie

# SEE SHEET 2 OF 3 FOR MAIN PLAN VIEW



**VICINITY MAP**  
 SCALE: 1" = 2000'  
 Copyright of the ADC  
 Map People Permitted  
 Use No. 2092180 (ADC  
 MAP No.S 4, 5, 11 & 12)  
 1000 0' 1000 2000  
 SCALE IN FEET



**OWNER:** FRED ZELL  
 P.O. BOX 57  
 SHERWOOD, MARYLAND, 21665  
 (410)-886-2628  
 DEED REFERENCE: 1230/585  
 PLAT REFERENCE: 81/648  
 DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS: 1419/344  
 AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS: 1497/656  
 SECOND AMENDMENT AND RESTATMENT OF DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS: 1532/175  
 THIRD AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS: 1715/162  
 FOURTH AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS: 1832 / 190  
 DEED OF EASEMENT AND ROAD MAINTENANCE COVENANTS: 1419/358  
 FIRST RESTATEMENT OF DEED OF EASEMENT OF DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS: 1789 / 133

**TALBOT COUNTY OFFICE OF PLANNING AND ZONING**  
 THIS PLAT REPRESENTS A SUBDIVISION OF LOT 2 ON THE LANDS OF FRED ZELL, PREVIOUSLY RECORDED AMONG THE PLAT RECORDS OF TALBOT COUNTY AT MAS 81/648.  
  
 COUNTY PLANNING OFFICER DATE 10-5-10

**GENERAL NOTES**  
 ANY LAND CLEARING, GRADING OR OTHER EARTH DISTURBANCE WITHIN THE UNINCORPORATED AREAS OF TALBOT COUNTY SHALL REQUIRE AN EROSION AND SEDIMENT CONTROL PLAN, APPROVED BY THE TALBOT SOIL CONSERVATION DISTRICT IN ACCORDANCE WITH THE TALBOT COUNTY SOIL EROSION AND SEDIMENT CONTROL ORDINANCE AND THE STATE OF MARYLAND EROSION AND SEDIMENT CONTROL LAW, COMAR 4-103 & 26.09.01.05.  
 CUTTING AND CLEARING OF TREES WITHIN TALBOT COUNTY IS SUBJECT TO REVIEW BY TALBOT COUNTY PLANNING AND ZONING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING AT (410)-770-8030 FOR FURTHER INFORMATION.  
 BY ACCEPTANCE OF THE DEED TO THIS PROPERTY, EACH LOT OWNER OR THEIR SUCCESSORS OR ASSIGNS, HEREBY ACKNOWLEDGE THAT THEY ARE AWARE THAT THE PROPERTY BORDERS ON PROPERTY UNDER AGRICULTURAL USE AND THAT THE NORMAL FARMING OPERATIONS ON SUCH AGRICULTURAL LAND MAY CAUSE SOME INTERFERENCE WITH THE USE AND ENJOYMENT OF THE PROPERTY, SUCH AS ODOR, DUST, NOISE, AND DRIFT OF PESTICIDES OR CHEMICALS. THE LOT OWNER ACCEPTS THE LIMITATIONS ON USE AND ENJOYMENT AFFECTING THE PROPERTY.

**SURVEYOR:** THOMAS D. LANE  
 LANE ENGINEERING, LLC  
 117 BAY STREET  
 P.O. BOX 1767  
 EASTON, MARYLAND, 21601  
 (410)-822-8003

**TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS**  
 A UTILITY AND DRAINAGE RIGHT-OF-WAY AND EASEMENT SHALL BE PROVIDED IN AND OVER STRIPS OF LAND FIFTEEN (15) FEET IN WIDTH ALONG THOSE BOUNDARY LINES CONTIGUOUS TO ANY ROAD, AND 15' IN WIDTH (7.5' EITHER SIDE) CENTERED ON ALL NEW LINES OF DIVISION AND 10' IN WIDTH ALONG EXISTING BOUNDARY LINES (ENTIRELY ON SUBJECT LANDS) NOT CONTIGUOUS TO ANY ROAD, EXCEPT AS SHOWN HEREON.  
 THESE LOTS HAVE BEEN DEVELOPED IN ACCORDANCE WITH THE "2000 MARYLAND STORMWATER DESIGN MANUAL", ENVIRONMENTALLY SENSITIVE DEVELOPMENT CRITERIA (CHAPTER 5-STORMWATER CREDITS FOR INNOVATIVE SITE PLANNING), IN ACCORDANCE WITH THE CRITERIA, 25% OF THE SITE, (68.47 AC.) IS RESERVED IN NATURAL CONSERVATION AREA AS SHOWN HEREON.

REASONABLE EFFORT WILL BE MADE TO LIMIT CONSTRUCTION IN FOREST HABITAT TO THE NON-BREEDING SEASON FOR FOREST INTERIOR DWELLING BIRDS (SEPTEMBER - APRIL). CONSTRUCTION WILL BE DESIGNED TO MINIMIZE FOREST CLEARING AND MAINTAIN A CLOSED CANOPY OVER DRIVEWAYS IF POSSIBLE.  
 DEVELOPMENT ACTIVITIES FOR NEW WATER-DEPENDENT FACILITIES SHALL BE DESIGNATED, STAGED, AND TIMED TO AVOID SIGNIFICANT DISTURBANCE TO HISTORIC WATERFOWL STAGING AND CONCENTRATION AREAS DURING THE WINTER SEASON.

**ZONING CLASSIFICATION:** (R RURAL CONSERVATION) & WRC (WESTERN RURAL CONSERVATION) BUILDING RESTRICTION LINES:  
**RC ZONE:**  
 MINIMUM LOT SIZE= 2 ACRES  
 FRONT- 50'  
 SIDE- 50'  
 REAR- 50'  
 MEAN HIGH WATER- 100'  
 TIDAL WETLANDS- 100'  
 INTERMITTENT STREAM- 100'  
 MARYLAND HIGHWAY NO. 33- 150'  
 MARYLAND HIGHWAY NO. 579- 100'  
**WRC ZONE:**  
 MINIMUM LOT SIZE= 1 ACRE  
 FRONT- 50'  
 SIDE- 50'  
 REAR- 50'  
 NONTIDAL WETLANDS- 25'  
 MARYLAND HIGHWAY NO. 33- 150'  
 MARYLAND HIGHWAY NO. 579- 100'  
 SEWAGE DISPOSAL AREA (SDA)- 20'

GROSS SITE AREA= 273,879 AC.± (INCLUDES LOTS 1-8) PER PLAT MAS 81/648  
 25% GROSS SITE AREA= 68.47 AC.±  
 NATURAL CONSERVATION AREA PREVIOUSLY PROVIDED ON LOTS 2 AND 5= 68.47 AC.±  
 THE AREA(S) SHOWN HEREON AS NATURAL CONSERVATION AREA SHALL BE MAINTAINED IN A PASSIVE USE AND SHALL BE RESTRICTED TO A MAXIMUM OF TWO MOWINGS PER YEAR. NO MOWING IS PERMITTED IN WETLAND, STREAM AND SHORELINE DEVELOPMENT BUFFERS NOR FOREST INTERIOR DWELLING BIRD (FIBS) HABITAT PROTECTION AREAS.

THIS DEVELOPMENT MAY CONTAIN, THREATENED OR ENDANGERED SPECIES PROTECTED UNDER THE ENDANGERED SPECIES ACT AS AMENDED, THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE ADMINISTRATIVE REGULATIONS DESIGNED TO PROTECT THESE THREATENED AND ENDANGERED SPECIES AND THEIR HABITATS. AS THE APPLICANT FOR THIS DEVELOPMENT ACTIVITY, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL DETERMINATIONS CONCERNING THE EFFECT OF THE DEVELOPMENT ON THESE SPECIES AND THEIR HABITATS RESTS WITH THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING ALL PERMITS, AND APPROVALS, WHICH MAY BE REQUIRED BY THE U.S. DEPARTMENT OF THE INTERIOR, FISH & WILDLIFE SERVICE.

THE LAND SHOWN HEREON LIES PARTIALLY WITHIN THE CHESAPEAKE BAY CRITICAL AREA.  
**FLOOD ZONE INFORMATION**  
 THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "A5" (EL. 7), "B" AND "C" AND IS LOCATED WITHIN COASTAL FLOOD PLAIN AS SHOWN ON THE FEDERAL INSURANCE RATE MAPS COMMUNITY PANEL NO. 2406-0022 FOR TALBOT COUNTY, MARYLAND. THEREFORE, MANDATORY FLOOD INSURANCE MAY BE REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, WASHINGTON, D.C.

THE EXISTING PRIVATE ROAD EASEMENT, DESIGNATED AS "BROAD CREEK ROAD, SECTION A" SHALL BE PRIVATELY OWNED AND AS SUCH THE COUNTY HAS NO RESPONSIBILITY FOR ITS MAINTENANCE AND SAFETY. THE PRIVATE ROAD EASEMENT SHALL BE OWNED BY THE OWNERS OF REVISED LOT 2 AS SHOWN HEREON AND MAINTAINED EQUALLY BY THE OWNERS OF LOTS 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 AND REVISED LOT 2 AND IN ACCORDANCE WITH THE "DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS" RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY AT LIBER 1419; FOLIO 344, FURTHER SUBJECT TO ANY AMENDMENTS TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS REFERENCED HEREON AND THE "DEED OF EASEMENT AND ROAD MAINTENANCE COVENANTS" RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY AT LIBER 1419; FOLIO 358, AND AS AMENDED AT LIBER 1789; FOLIO 133.

REMOVAL OF NATURAL VEGETATION WITHIN THE 100 FOOT SHORELINE DEVELOPMENT BUFFER IS PROHIBITED. CUTTING AND/OR MOWING OF NATURAL VEGETATION WITHIN THE BUFFER IS SUBJECT TO REVIEW BY THE PLANNING AND ZONING OFFICE. PLEASE CONTACT THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING AT (410) 770-8030 FOR FURTHER INFORMATION.  
 THE 100 FOOT SHORELINE DEVELOPMENT BUFFER ON REVISED LOT 2, AS SHOWN HEREON, SHALL BE ESTABLISHED IN THREE TIER NATURAL VEGETATION UPON CHANGE OF LAND USE. A FOREST PRESERVATION PLAN SHALL BE SUBMITTED TO THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING FOR REVIEW AND APPROVAL.

**FLOOD PLAIN LEGEND**  
 A - 100 YEAR FLOOD ZONE  
 B - 500 YEAR FLOOD ZONE  
 C - AREA OF MINIMAL FLOODING  
 THE FLOOD ZONE "A" PORTION OF THE PROPERTY SHOWN HEREON HAS A ONE-PERCENT CHANCE OF OCCURRENCE OF BEING INUNDATED BY A FLOOD IN ANY GIVEN YEAR. THEREFORE, ANY NEW CONSTRUCTION OR SUBSTANTIAL IMPROVEMENT ON THE PROPERTY IN ZONE "A" IS SUBJECT TO FEDERAL, STATE AND LOCAL REGULATIONS WHICH MAY INCLUDE MANDATORY FLOOD INSURANCE.

THE EXISTING PRIVATE ROAD EASEMENT, DESIGNATED AS "BROAD CREEK ROAD, SECTION B" SHALL BE PRIVATELY OWNED AND AS SUCH THE COUNTY HAS NO RESPONSIBILITY FOR ITS MAINTENANCE AND SAFETY. THE PRIVATE ROAD EASEMENT SHALL BE OWNED BY THE OWNERS OF REVISED LOT 2 AND MAINTAINED EQUALLY BY THE OWNERS OF LOTS 1, 3, 4, 9, 10, 11 AND REVISED LOT 2 AND IN ACCORDANCE WITH THE "DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS" RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY AT LIBER 1419; FOLIO 344, FURTHER SUBJECT TO ANY AMENDMENTS TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS REFERENCED HEREON AND THE "DEED OF EASEMENT AND ROAD MAINTENANCE COVENANTS" RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY AT LIBER 1419; FOLIO 358, AND AS AMENDED AT LIBER 1789; FOLIO 133.

THE NON-TIDAL WETLANDS SHOWN HEREON AS "FIELD DELINEATED NON-TIDAL WETLANDS" WERE FIELD DELINEATED BY M. STARK McLAUGHLIN, QUALIFIED PROFESSIONAL, OF LANE ENGINEERING, LLC, EASTON, MD. THE REMAINDER OF NON-TIDAL WETLANDS SHOWN HEREON WERE TAKEN FROM THE NW MAPS OF CLABORNE, MD AND ST. MICHAELS, MD AND ARE LABELED AS "NOT INVESTIGATED". ANY FUTURE DEVELOPMENT OF THIS AREA WILL REQUIRE A NON-TIDAL WETLANDS DELINEATION.

**SURVEYOR'S CERTIFICATE**  
 THE PRESENT OWNER OF THE LAND OF WHICH THIS SUBDIVISION IS COMPRISED IS FRED ZELL. THE OWNER CONCURS WITH ALL NOTATIONS AND REPRESENTATIONS ON THIS PLAT WHICH IS PREPARED FOR AND WILL BE RECORDED AT HIS REQUEST.  
 I, THOMAS D. LANE, HEREBY CERTIFY THAT THE FINAL PLAT SHOWN HEREON IS CORRECT; THAT IT IS A SUBDIVISION OF THE LAND CONVEYED BY STEEN E. RASMUSSEN AND KIRSTEN DAMGAARD TO FRED ZELL BY DEED DATED MARCH 3, 2004, AND RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY, MARYLAND IN LIBER 1230, FOLIO 585; AND THAT ALL MONUMENTS ARE IN PLACE.

THE EXISTING PRIVATE ROAD EASEMENT, DESIGNATED AS "DEER LEAP LANE" SHALL BE PRIVATELY OWNED AND AS SUCH THE COUNTY HAS NO RESPONSIBILITY FOR ITS MAINTENANCE AND SAFETY. THE PRIVATE ROAD EASEMENT SHALL BE OWNED BY THE OWNERS OF REVISED LOT 2 AND MAINTAINED BY THE OWNERS OF LOTS 1, 3, AND 4 AS SHOWN HEREON AND IN ACCORDANCE WITH THE "DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS" RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY AT LIBER 1419; FOLIO 344, FURTHER SUBJECT TO ANY AMENDMENTS TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS REFERENCED HEREON AND THE "DEED OF EASEMENT AND ROAD MAINTENANCE COVENANTS" RECORDED AMONG THE LAND RECORDS OF TALBOT COUNTY AT LIBER 1419; FOLIO 358, AND AS AMENDED AT LIBER 1789; FOLIO 133.

**LOT COVERAGE: CRITICAL AREA (AFTER SUBDIVISION):**  
 REVISED LOT 2  
 TOTAL AREA= 188,052 AC.±  
 AREA IN CRITICAL AREA= 82,555 AC.±  
 AREA IN STATE OWNED TIDAL WETLANDS= 33,396 SQ. FT. (0.767 AC.±)  
 AREA USED TO CALCULATE LOT COVERAGE= 81,788 AC.±  
 ALLOWABLE LOT COVERAGE= 534,403 SQ. FT. (15% OF 81,788 AC.±)  
 EXISTING LOT COVERAGE:  
 GRAVEL DRIVEWAY- 56,850 SQ. FT.  
 TOTAL EXISTING LOT COVERAGE= 56,850 SQ. FT.  
 ALLOWABLE LOT COVERAGE REMAINING= 407,702 SQ. FT.  
 NOTE: NO DEVELOPMENT ACTIVITY/LOT COVERAGE IS PERMITTED ON LOT 11 IN THE CRITICAL AREA.

**PROPERTY OWNER'S DECLARATION**  
 THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS ARE REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.  
 I, FRED ZELL, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS SUBDIVISION.

BUILDING PERMITS FOR PROPERTY LOTS USING BROAD CREEK ROAD AND DEER LEAP LANE SHALL BE RESTRICTED UNTIL THE COUNTY IS IN RECEIPT OF A NOTARIZED CERTIFICATION FROM THE OWNER(S) AND ROAD CONSTRUCTION CONTRACTOR THAT THE ROAD WAS CONSTRUCTED ACCORDING TO THE REQUIREMENTS OF THE TALBOT COUNTY CODE. SHOULD THE ROAD BE UPGRADED TO COUNTY SPECIFICATIONS FOR PUBLIC ROADS, IN ACCORDANCE WITH THE PROVISIONS OF THE TALBOT COUNTY CODE, THE COUNTY WILL ASSUME OWNERSHIP OF THE ROAD AND RESPONSIBILITY FOR ITS MAINTENANCE, SAFETY AND INSPECTION.  
 DIRECT NON-AGRICULTURAL ACCESS TO MARYLAND HIGHWAY NO. 579 FROM REVISED LOT 2 SHALL NOT BE PERMITTED UNTIL OR UNLESS APPROVED BY THE MARYLAND STATE HIGHWAY ADMINISTRATION, TALBOT COUNTY PLANNING AND ZONING AND THE TALBOT COUNTY DEPARTMENT OF PUBLIC WORKS.

**LOT COVERAGE: NON-CRITICAL AREA (AFTER SUBDIVISION):**  
 REVISED LOT 2  
 TOTAL AREA= 188,052 AC.±  
 AREA IN NON-CRITICAL AREA= 105,497 AC.±  
 ALLOWABLE LOT COVERAGE= 689,317 SQ. FT. (15% OF 105,497 AC.±)  
 EXISTING LOT COVERAGE:  
 GRAVEL DRIVEWAY- 33,332 SQ. FT.  
 EQUIPMENT SHED- 1,467 SQ. FT.  
 BARN- 1,453 SQ. FT.  
 CONCRETE PAD- 400 SQ. FT.  
 TOTAL EXISTING LOT COVERAGE= 36,652 SQ. FT.  
 ALLOWABLE LOT COVERAGE REMAINING= 652,665 SQ. FT.

**PROPERTY OWNER'S DECLARATION**  
 THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS ARE REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.  
 I, FRED ZELL, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS SUBDIVISION.

THE EXISTING AGRICULTURAL LEAD SHOWN CROSSING LOT 9 CAN BE RELOCATED TO ACCOMMODATE DEVELOPMENT. ANY SUCH RELOCATION OF EXISTING SWALES SHALL NOT IMPEDE THE FLOW OF UPSTREAM RUN-OFF OR CREATE ANY ADVERSE DOWNSTREAM DRAINAGE IMPACTS. FURTHER, SUCH DRAINAGE WAY RELOCATION SHALL NOT BE WITHIN 25 FEET OF ANY SEWAGE DISPOSAL AREA.  
 SHOULD FURTHER SUBDIVISION OCCUR, IT MAY BE NECESSARY TO UPGRADE ONE OR MORE OF THE EXISTING PRIVATE ROADS.

**LOT 9**  
 TOTAL AREA= 2,550 AC.±  
 AREA IN NON-CRITICAL AREA= 2,550 AC.±  
 ALLOWABLE LOT COVERAGE= 16,662 SQ. FT. (15% OF 2,550 AC.±)  
 TOTAL EXISTING LOT COVERAGE= 0 SQ. FT.  
 ALLOWABLE LOT COVERAGE REMAINING= 16,662 SQ. FT.

**PROPERTY OWNER'S DECLARATION**  
 THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS ARE REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.  
 I, FRED ZELL, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS SUBDIVISION.

**TALBOT COUNTY HEALTH DEPARTMENT**  
 REVISED LOT 2 AND LOTS 9, 10, AND 11, AS SHOWN HEREON, ARE APPROVED FOR INDIVIDUAL WATER AND SEWERAGE SYSTEMS AND THEIR USE IS IN ACCORDANCE WITH TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN AND MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03. THE HEALTH DEPARTMENT APPROVAL ON THE PLAT CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN COMPLIANCE WITH THE PERTINENT HEALTH DEPARTMENT LAWS AND REGULATIONS AS OF THE APPROVAL DATE. THIS APPROVAL DOES NOT SERVE AS A SEWAGE DISPOSAL INSTALLATION PERMIT AND THE PROPERTY OWNER IS NOTIFIED THAT HE MUST STILL APPLY FOR AND OBTAIN A SEWAGE DISPOSAL PERMIT BEFORE DEVELOPING THE PROPERTY. AT THE TIME OF THE PERMIT APPLICATION, THE PROPERTY WILL BE EVALUATED PURSUANT TO COMAR 26.04.02 AND ALL OTHER APPLICABLE LAWS AND REGULATIONS. FURTHERMORE, THE TALBOT COUNTY HEALTH DEPARTMENT MAY REQUIRE MORE DETERMINATIVE INFORMATION ABOUT THE PROPERTY INCLUDING ADDITIONAL TESTING AND EVALUATION.

**LOT 10**  
 TOTAL AREA= 3,219 AC.±  
 AREA IN NON-CRITICAL AREA= 3,219 AC.±  
 ALLOWABLE LOT COVERAGE= 21,033 SQ. FT. (15% OF 3,220 AC.±)  
 TOTAL EXISTING LOT COVERAGE= 0 SQ. FT.  
 ALLOWABLE LOT COVERAGE REMAINING= 21,033 SQ. FT.

**PROPERTY OWNER'S DECLARATION**  
 THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS ARE REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.  
 I, FRED ZELL, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS SUBDIVISION.

**LOT 11**  
 TOTAL AREA= 2,583 AC.±  
 AREA IN NON-CRITICAL AREA= 2,476 AC.±  
 ALLOWABLE LOT COVERAGE= 16,178 SQ. FT. (15% OF 2,476 AC.±)  
 TOTAL EXISTING LOT COVERAGE= 0 SQ. FT.  
 ALLOWABLE LOT COVERAGE REMAINING= 16,178 SQ. FT.

**SITE STATISTICS:**  
 TOTAL AREA OF PROPERTY AS OF AUGUST 1989- 273,879 AC.±  
 AREA IN CRITICAL AREA AS OF AUGUST 1989- 159,824 AC.±  
 AREA OF PROPERTY SUBJECT TO THIS SUBDIVISION- 196,404 AC.±  
 AREA IN CRITICAL AREA- 82,662 AC.±  
 AREA IN NON-CRITICAL AREA- 113,742 AC.±  
 AREA IN PROPOSED LOTS (LOTS 9, 10, & 11)- 8,366 AC.±  
 AREA IN EXISTING DEER LEAP LANE- 1,061 AC.±  
 AREA IN EXISTING BROAD CREEK ROAD, SECTION A- 1,061 AC.±  
 AREA IN EXISTING BROAD CREEK ROAD, SECTION B- 3,753 AC.±  
 TOTAL AREA IN EXISTING PRIVATE ROAD EASEMENTS- 5,895 AC.±  
 AREA IN EXISTING NATURAL CONSERVATION AREA (TOTAL-ON SITE)- 68.47 AC.±  
 AREA IN EXISTING NATURAL CONSERVATION AREA (TOTAL INCLUDES PORTION ON EXISTING LOT 5)- 68.475 AC.±

**PROPERTY OWNER'S DECLARATION**  
 THIS DEVELOPMENT MAY CONTAIN JURISDICTIONAL NONTIDAL WETLANDS WHICH HAVE NOT BEEN OFFICIALLY DELINEATED BY U.S. ARMY CORPS OF ENGINEERS. THE IDENTIFICATION AND/OR DELINEATION OF JURISDICTIONAL NONTIDAL WETLANDS SHOWN ON THIS APPLICATION IS BASED UPON THE FEDERAL MANUAL FOR IDENTIFYING AND DELINEATING JURISDICTIONAL WETLANDS. AS THE APPLICANT OF THIS DEVELOPMENT PROJECT, I UNDERSTAND THAT THE FINAL AUTHORITY FOR ALL NONTIDAL WETLANDS DELINEATIONS ARE REGULATIONS FOR LANDS IN THE CRITICAL AREA RESTS WITH THE U.S. ARMY CORPS OF ENGINEERS. I ALSO UNDERSTAND THAT COUNTY APPROVAL OF THIS DEVELOPMENT PROJECT DOES NOT EXEMPT THIS PROJECT FROM OBTAINING PERMITS AND APPROVALS WHICH MAY BE REQUIRED BY THE U.S. ARMY CORPS OF ENGINEERS.  
 I, FRED ZELL, OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, HEREBY ADOPT THIS SUBDIVISION.

**TALBOT COUNTY HEALTH DEPARTMENT**  
 REVISED LOT 2 AND LOTS 9, 10, AND 11, AS SHOWN HEREON, ARE APPROVED FOR INDIVIDUAL WATER AND SEWERAGE SYSTEMS AND THEIR USE IS IN ACCORDANCE WITH TALBOT COUNTY COMPREHENSIVE WATER AND SEWER PLAN AND MARYLAND DEPARTMENT OF THE ENVIRONMENT REGULATION 26.04.03. THE HEALTH DEPARTMENT APPROVAL ON THE PLAT CERTIFIES THAT THE LOTS SHOWN HEREON ARE IN COMPLIANCE WITH THE PERTINENT HEALTH DEPARTMENT LAWS AND REGULATIONS AS OF THE APPROVAL DATE. THIS APPROVAL DOES NOT SERVE AS A SEWAGE DISPOSAL INSTALLATION PERMIT AND THE PROPERTY OWNER IS NOTIFIED THAT HE MUST STILL APPLY FOR AND OBTAIN A SEWAGE DISPOSAL PERMIT BEFORE DEVELOPING THE PROPERTY. AT THE TIME OF THE PERMIT APPLICATION, THE PROPERTY WILL BE EVALUATED PURSUANT TO COMAR 26.04.02 AND ALL OTHER APPLICABLE LAWS AND REGULATIONS. FURTHERMORE, THE TALBOT COUNTY HEALTH DEPARTMENT MAY REQUIRE MORE DETERMINATIVE INFORMATION ABOUT THE PROPERTY INCLUDING ADDITIONAL TESTING AND EVALUATION.

**LOT 9**  
 TOTAL AREA= 2,550 AC.±  
 AREA IN NON-CRITICAL AREA= 2,550 AC.±  
 ALLOWABLE LOT COVERAGE= 16,662 SQ. FT. (15% OF 2,550 AC.±)  
 TOTAL EXISTING LOT COVERAGE= 0 SQ. FT.  
 ALLOWABLE LOT COVERAGE REMAINING= 16,662 SQ. FT.

**CRITICAL AREA DEVELOPMENT RIGHTS CALCULATIONS (RC ZONING)-BEFORE SUBDIVISION:**  
 TOTAL AREA OF PROPERTY AS OF AUGUST 1989- 273,879 AC.±  
 AREA IN CRITICAL AREA AS OF AUGUST 1989- 159,824 AC.±  
 AREA OF PROPERTY SUBJECT TO THIS SUBDIVISION- 196,404 AC.±  
 AREA IN CRITICAL AREA- 82,662 AC.±  
 AREA USED TO CALCULATE DEVELOPMENT RIGHTS- 159,824 AC.±  
 NUMBER OF DEVELOPMENT RIGHTS PERMITTED- 8 TOTAL (PER PLAT MAS 81/648)  
 NUMBER OF DEVELOPMENT RIGHTS PREVIOUSLY UTILIZED- 8 (LOTS 1,2,3,4,5,6,7 AND 8)  
 NUMBER OF DEVELOPMENT RIGHTS REMAINING- 0

**NON-CRITICAL AREA DEVELOPMENT RIGHTS CALCULATIONS (WRC ZONING)-BEFORE SUBDIVISION:**  
 TOTAL AREA OF PROPERTY AS OF AUGUST 1989- 273,879 AC.±  
 AREA IN NON-CRITICAL AREA AS OF AUGUST 1989- 114,055 AC.±  
 AREA OF PROPERTY SUBJECT TO THIS SUBDIVISION- 196,404 AC.±  
 AREA IN NON-CRITICAL AREA- 113,742 AC.±  
 NUMBER OF DEVELOPMENT RIGHTS PERMITTED- 8 (PER PLAT MAS 81/648)  
 NUMBER OF DEVELOPMENT RIGHTS UTILIZED HEREON- 3 (LOTS 9 THROUGH 11)  
 NUMBER OF DEVELOPMENT RIGHTS REMAINING- 5 (ALLOCATED TO REVISED LOT 2)

NOTE: DEVELOPMENT RIGHTS SHOWN HEREON ARE BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT ACTIVITY.

**RESERVED LAND CALCULATIONS:**  
 TOTAL AREA OF PROPERTY IN NON-CRITICAL AREA- 113,742 AC.± (LOT 2)  
 DEVELOPMENT RIGHTS PERMITTED- 8  
 AREA REQUIRED TO BE RESERVED FOR EACH CLUSTERED LOT- 14,218 AC.± (113,742 AC.± / 8)  
 NUMBER OF CLUSTERED LOTS UTILIZED- 3  
 RESERVED LAND REQUIRED FOR CLUSTERED LOTS- 42,654 AC.± (14,218 AC.± X 3)  
 TOTAL AREA IN CLUSTERED LOTS- 8,366 AC.±  
 TOTAL RESERVED LAND- 34,288 AC.± (42,654 AC.± - 8,366 AC.±)

**IMPLEMENTATION OF DEVELOPMENT RIGHTS IN THE NON CRITICAL AREA (WRC ZONE):**  
 DEVELOPMENT RIGHTS PERMITTED- 8  
 MINIMUM NUMBER OF CLUSTERED LOTS REQUIRED- 5  
 NUMBER OF CLUSTERED LOTS SHOWN- 3 (LOTS 9, 10 AND 11)  
 MAXIMUM ACREAGE REQUIRED IN CLUSTERED LOTS- 17.5 AC.±  
 ACREAGE IN CLUSTERED LOTS SHOWN- 8,366 AC.±  
 NUMBER OF LOTS NOT REQUIRED TO BE CLUSTERED- 3  
 NUMBER OF NON CLUSTERED LOTS SHOWN- 0  
 NOTE: THE REMAINING LOTS WHICH ARE REQUIRED TO BE CLUSTERED ARE ASSIGNED TO REVISED LOT 2. SHOULD FURTHER SUBDIVISION OF REVISED LOT 2 TAKE PLACE, THE APPLICANT WILL BE REQUIRED TO CLUSTER THE REMAINING LOTS AND ANY PROPOSED ROAD EXTENSION TO SERVE THOSE LOTS, ON NO MORE THAN 9.134 AC.± (17.5 AC.± - 8,366 AC.±).

**FOREST CALCULATIONS IN CRITICAL AREA (BEFORE SUBDIVISION):**  
 TOTAL AREA OF PROPERTY SUBJECT TO THIS SUBDIVISION- 196,404 AC.±  
 AREA IN CRITICAL AREA- 82,662 AC.±  
 AREA OF EXISTING FOREST- 16,765 AC.±  
 REQUIRED FOREST AREA (10% OF 82,662 AC.±)- 12,400 AC.±

**FOREST CALCULATIONS IN NON-CRITICAL AREA (BEFORE SUBDIVISION):**  
 TOTAL AREA OF PROPERTY SUBJECT TO THIS REVISION & SUBDIVISION- 196,404 AC.±  
 AREA IN NON-CRITICAL AREA- 113,742 AC.±  
 AREA OF EXISTING FOREST- 69,895 AC.±

**FOREST CONSERVATION NOTES:**  
 1. PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ACTIVITIES AND IF THESE ACTIVITIES ARE TO OCCUR WITHIN 25' OF THE FOREST CONSERVATION AREA(S), NOTIFY THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING (410-770-8030), FOREST CONSERVATION COORDINATOR, TO DETERMINE IF TEMPORARY PROTECTIVE DEVICES (SILT, BLAZE, WIRE, WOOD AND/OR OTHER FENCING), ARE REQUIRED. IF REQUIRED, DEVICES ARE TO BE INSTALLED AND INSPECTED BY THIS OFFICE PRIOR TO THE COMMENCEMENT OF ANY DEVELOPMENT ACTIVITIES. OWNER MAY BE SUBJECT TO A STOP WORK ORDER, FINES AND/OR PENALTIES, IF WORK COMMENCES PRIOR TO THE INSTALLATION OF PROTECTIVE DEVICES.  
 2. PROTECTIVE DEVICES MUST BE SURVEY LOCATED, OR AS DIRECTED BY THE TALBOT COUNTY FOREST CONSERVATION COORDINATOR. THE COUNTY RESERVES THE RIGHT TO MAKE ON-SITE, TREE-TREE DECISIONS WHEN INSPECTING RETENTION AREAS FOR THE CRITICAL ROOT ZONE PROTECTION.  
 3. SOIL STOCKPILE AREAS AND OTHER CONSTRUCTION STAGING AREAS SHALL BE LOCATED AT LEAST 25' AWAY FROM THE FOREST CONSERVATION AREA(S).  
 4. NOTIFY THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING (410-770-8030), FOREST CONSERVATION COORDINATOR PRIOR TO REQUESTING A CERTIFICATE OF OCCUPANCY TO SCHEDULE A REVIEW OF LAND DISTURBANCE AND TO DIRECT FINAL SITE STABILIZATION OR REMOVAL OF FOREST PROTECTIVE DEVICES. PROTECTIVE DEVICES SHALL REMAIN IN PLACE UNTIL DISTURBED AREAS ARE PERMANENTLY STABILIZED, OR OTHERWISE AS DIRECTED. SIGNAGE SHALL REMAIN IN PLACE PERPETUALLY.  
 5. THE FOREST CONSERVATION AREA(S), AS SHOWN ON THIS REVISION AND SUBDIVISION PLAT ARE SUBJECT TO A LONG TERM PROTECTION AGREEMENT (FOREST CONSERVATION EASEMENT DOCUMENT) RECORDED IN THE TALBOT COUNTY LAND RECORDS LIBER: 1789; FOLIO: 133. THIS AGREEMENT, WHICH IS IN COMPLIANCE WITH THE TALBOT COUNTY FOREST CONSERVATION ORDINANCE, AND UNLESS OTHERWISE SPECIFICALLY NOTED, PRECLUDES MOWING, TRIMMING, CLEARING, REMOVAL OR OTHER DESTRUCTION OF PROTECTED FOREST. ENFORCEMENT OF THIS AGREEMENT FALLS UNDER THE JURISDICTION OF THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING. THIS AGREEMENT RUNS PERPETUAL WITH THE PROPERTY, AND IS BINDING UPON THE OWNER(S), THEIR PERSONAL REPRESENTATIVES, HEIRS, SUCCESSORS AND/OR ASSIGNS. THIS AGREEMENT SHALL BE DISCLOSED IN ANY SUBSEQUENT SALE, CONTRACT, LEASE, MORTGAGE, DEED OR OTHER LEGAL PROPERTY INSTRUMENT.  
 6. THE TALBOT COUNTY OFFICE OF PLANNING AND ZONING RESERVES THE RIGHT TO INSPECT THE FOREST CONSERVATION AREA(S) AT ANY FUTURE DATE, WITH REASONABLE PRE-NOTIFICATION TO THE PROPERTY OWNER OF THEIR REPRESENTATIVE, AND TO ENFORCE THE PROVISIONS OF THE DEED OF FOREST CONSERVATION EASEMENT.

REVISIONS			
No.	DATE	DESCRIPTION	BY
1	9/5/08	REVISED PER 9/3/08 PLANNING COMMISSION	JMC
2	2/5/09	REVISED PER 8/13/08 TAC COMMENTS	JMC
3	7/8/09	REVISED PER 6/10/09 TAC COMMENTS	JMC
4	8/18/09	REVISED PER 7/22/09 TAC COMMENTS	JMC
5	10/19/09	REVISED PER 09/23/09 CRM COMMENTS	JMC
6	12/03/09	REVISED TO EXCLUDE LOT 8 FROM REVISION & SUBDIVISION	JMC
7	01/19/10	REVISED PER 12/23/09 CRM COMMENTS	JMC
8	02/09/10	REVISED PER 01/27/10 CRM COMMENTS	JMC

NOTE: DEVELOPMENT RIGHTS SHOWN HEREON ARE BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT ACTIVITY.

**RESERVED LAND CALCULATIONS:**  
 TOTAL AREA OF PROPERTY IN NON-CRITICAL AREA- 113,742 AC.± (LOT 2)  
 DEVELOPMENT RIGHTS PERMITTED- 8  
 AREA REQUIRED TO BE RESERVED FOR EACH CLUSTERED LOT- 14,218 AC.± (113,742 AC.± / 8)  
 NUMBER OF CLUSTERED LOTS UTILIZED- 3  
 RESERVED LAND REQUIRED FOR CLUSTERED LOTS- 42,654 AC.± (14,218 AC.± X 3)  
 TOTAL AREA IN CLUSTERED LOTS- 8,366 AC.±  
 TOTAL RESERVED LAND- 34,288 AC.± (42,654 AC.± - 8,366 AC.±)

**IMPLEMENTATION OF DEVELOPMENT RIGHTS IN THE NON CRITICAL AREA (WRC ZONE):**  
 DEVELOPMENT RIGHTS PERMITTED- 8  
 MINIMUM NUMBER OF CLUSTERED LOTS REQUIRED- 5  
 NUMBER OF CLUSTERED LOTS SHOWN- 3 (LOTS 9, 10 AND 11)  
 MAXIMUM ACREAGE REQUIRED IN CLUSTERED LOTS- 17.5 AC.±  
 ACREAGE IN CLUSTERED LOTS SHOWN- 8,366 AC.±  
 NUMBER OF LOTS NOT REQUIRED TO BE CLUSTERED- 3  
 NUMBER OF NON CLUSTERED LOTS SHOWN- 0  
 NOTE: THE REMAINING LOTS WHICH ARE REQUIRED TO BE CLUSTERED ARE ASSIGNED TO REVISED LOT 2. SHOULD FURTHER SUBDIVISION OF REVISED LOT 2 TAKE PLACE, THE APPLICANT WILL BE REQUIRED TO CLUSTER THE REMAINING LOTS AND ANY PROPOSED ROAD EXTENSION TO SERVE THOSE LOTS, ON NO MORE THAN 9.134 AC.± (17.5 AC.± - 8,366 AC.±).

NOTE: DEVELOPMENT RIGHTS SHOWN HEREON ARE BASED UPON CURRENT REGULATIONS AND MAY BE SUBJECT TO CHANGE BASED ON ZONING ORDINANCE REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT ACTIVITY.

**FOREST CALCULATIONS IN CRITICAL AREA (BEFORE SUBDIVISION):**  
 TOTAL AREA OF PROPERTY SUBJECT TO THIS SUBDIVISION- 196,404 AC.±  
 AREA IN CRITICAL AREA- 82,662 AC.±  
 AREA OF EXISTING FOREST- 16,765 AC.±  
 REQUIRED FOREST AREA (10% OF 82,662 AC.±)- 12,400 AC.±

REVISED LOT 2 BOUNDARY CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHD. BEARING	CHD. LENGTH
C1	213.86'	108.26'	S 45°59'11" W	107.11'
C2	2345.83'	109.40'	N 49°48'24" E	108.77'
C3	180.56'	28.19'	S 74°36'45" W	28.16'

NATURAL CONSERVATION AREA 'B' CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHD. BEARING	CHD. LENGTH
C4	2346.83'	49.25'	N 32°39'56" E	49.25'
C5	2345.83'	476.87'	N 28°14'36" E	476.05'
C6	1377.39'	601.41'	N 32°55'49" E	596.64'

NATURAL CONSERVATION AREA 'C' CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHD. BEARING	CHD. LENGTH
C7	100.31'	303.91'	S 71°12'37" W	200.31'

REVISED LOT 2 BOUNDARY LINE TABLE		
LINE	BEARING	DISTANCE
L1	S 60°29'19" W	81.49'
L2	S 29°30'41" E	80.00'
L3	N 60°29'19" E	81.49'

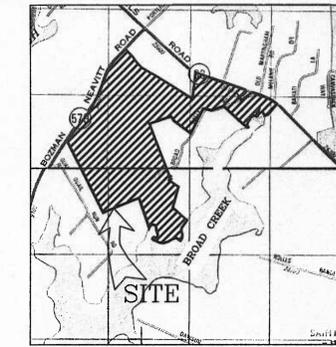
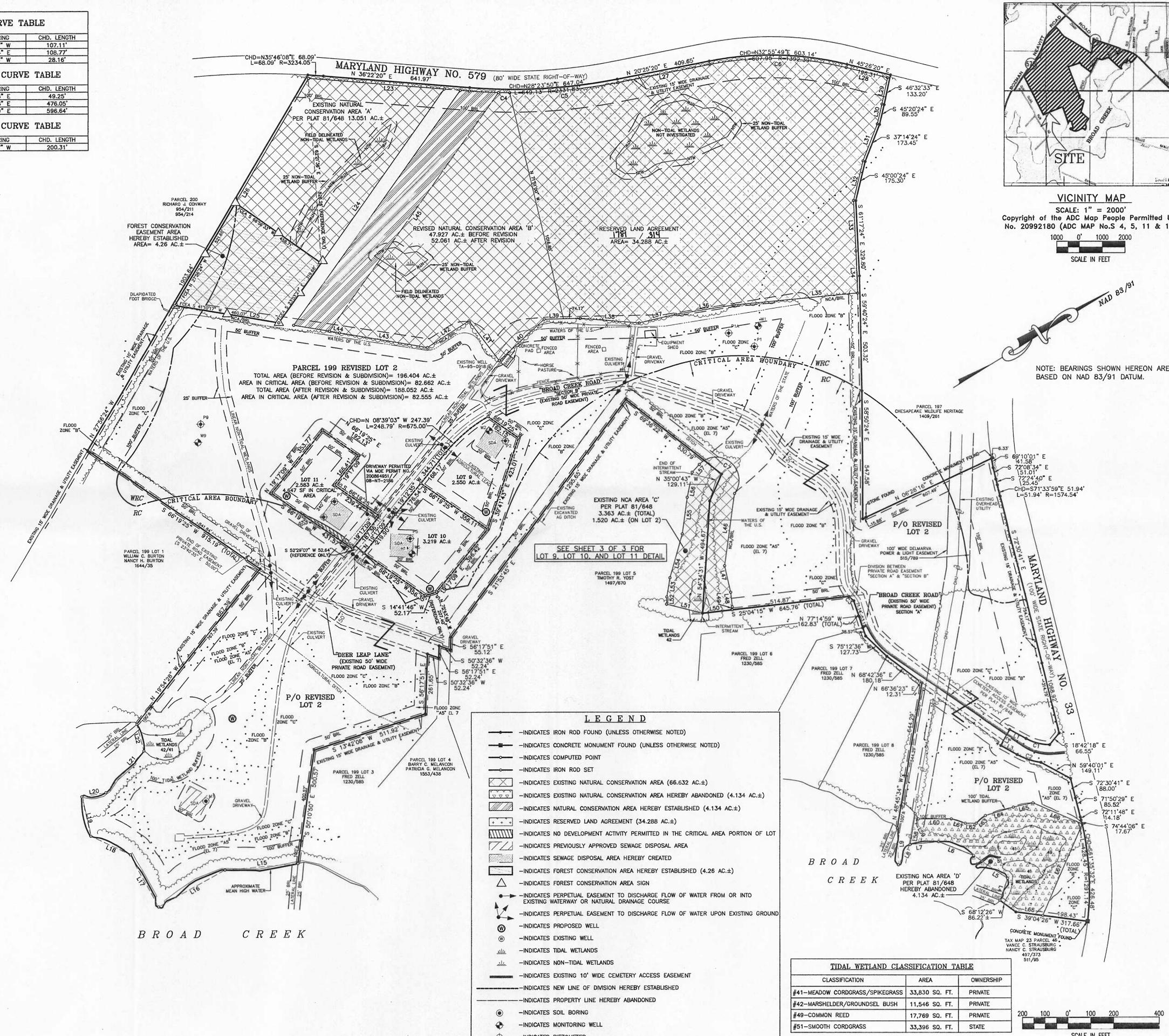
SHORELINE REFERENCE LINE TABLE		
LINE	BEARING	DISTANCE
L4	N 38°38'44" W	100.98'
L5	S 65°11'53" W	182.05'
L6	S 53°00'22" W	164.91'
L7	S 26°03'22" W	127.01'
L8	S 23°31'51" E	102.24'
L9	N 59°49'42" W	159.84'
L15	S 26°36'22" W	321.12'
L16	S 02°36'09" W	331.37'
L17	N 87°12'22" W	261.50'
L18	S 57°01'44" W	190.89'
L19	N 71°07'42" W	178.15'
L20	N 22°14'26" E	106.36'
L21	N 15°34'51" W	248.11'
L22	N 73°08'26" W	121.01'

REVISED NATURAL CONSERVATION AREA 'A' LINE TABLE		
LINE	BEARING	DISTANCE
L23	N 36°18'38" E	595.50'
L24	S 23°03'27" E	1251.61'
L25	S 41°10'17" W	460.07'
L26	N 27°58'24" W	1152.40'

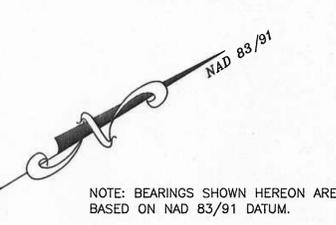
NATURAL CONSERVATION AREA 'B' LINE TABLE		
LINE	BEARING	DISTANCE
L27	N 20°25'20" E	409.65'
L28	N 45°26'20" E	186.82'
L29	S 46°32'37" E	118.33'
L30	S 45°20'24" E	88.84'
L31	S 37°14'24" E	173.42'
L32	S 45°00'24" E	177.41'
L33	S 61°17'24" E	221.60'
L34	S 60°38'05" E	184.10'
L35	S 28°06'30" W	543.70'
L36	S 22°26'10" W	257.85'
L37	S 18°21'27" W	163.87'
L38	S 36°01'39" W	258.82'
L39	S 30°18'01" W	159.60'
L40	S 10°52'32" E	266.82'
L41	S 84°05'10" W	217.83'
L42	S 00°36'06" E	215.93'
L43	S 41°10'17" W	390.17'
L44	S 41°10'17" W	45.17'
L45	N 22°58'39" W	1278.37'

NATURAL CONSERVATION AREA 'C' LINE TABLE		
LINE	BEARING	DISTANCE
L46	S 50°25'33" E	321.03'
L47	S 71°14'17" E	119.89'
L48	S 64°57'05" E	64.09'
L49	S 57°02'52" E	13.00'
L50	S 25°04'15" W	130.89'
L51	S 45°34'53" W	162.09'
L52	N 56°13'52" W	31.64'
L53	N 49°07'32" W	85.73'
L54	N 42°46'41" W	201.07'
L55	N 50°27'55" W	162.02'
L56	N 47°38'50" W	112.43'
L57	N 15°34'46" W	46.26'

NATURAL CONSERVATION AREA 'D' HEREBY ABANDONED LINE TABLE		
LINE	BEARING	DISTANCE
L58	N 48°45'34" W	136.29'
L59	S 89°52'23" E	26.84'
L60	N 31°35'50" E	145.52'
L61	N 48°41'59" E	64.37'
L62	N 31°56'24" E	47.83'
L63	N 06°48'18" W	54.00'
L64	N 14°55'34" E	128.01'
L65	N 19°11'10" E	86.88'
L66	N 54°36'19" E	234.97'
L67	S 35°00'45" E	435.82'
L68	S 39°04'26" W	119.23'



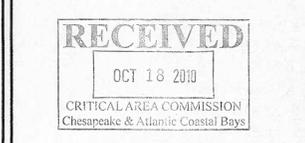
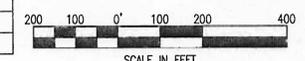
VICINITY MAP  
SCALE: 1" = 2000'  
Copyright of the ADC Map People Permitted Use No. 20992180 (ADC MAP No.S 4, 5, 11 & 12)  
1000 0' 1000 2000  
SCALE IN FEET



NOTE: BEARINGS SHOWN HEREON ARE BASED ON NAD 83/91 DATUM.

LEGEND	
	-INDICATES IRON ROD FOUND (UNLESS OTHERWISE NOTED)
	-INDICATES CONCRETE MONUMENT FOUND (UNLESS OTHERWISE NOTED)
	-INDICATES COMPUTED POINT
	-INDICATES IRON ROD SET
	-INDICATES EXISTING NATURAL CONSERVATION AREA (66.632 AC.±)
	-INDICATES EXISTING NATURAL CONSERVATION AREA HEREBY ABANDONED (4.134 AC.±)
	-INDICATES NATURAL CONSERVATION AREA HEREBY ESTABLISHED (4.134 AC.±)
	-INDICATES RESERVED LAND AGREEMENT (34.288 AC.±)
	-INDICATES NO DEVELOPMENT ACTIVITY PERMITTED IN THE CRITICAL AREA PORTION OF LOT
	-INDICATES PREVIOUSLY APPROVED SEWAGE DISPOSAL AREA
	-INDICATES SEWAGE DISPOSAL AREA HEREBY CREATED
	-INDICATES FOREST CONSERVATION AREA HEREBY ESTABLISHED (4.26 AC.±)
	-INDICATES FOREST CONSERVATION AREA SIGN
	-INDICATES PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE
	-INDICATES PROPOSED WELL
	-INDICATES EXISTING WELL
	-INDICATES TIDAL WETLANDS
	-INDICATES NON-TIDAL WETLANDS
	-INDICATES EXISTING 10' WIDE CEMETERY ACCESS EASEMENT
	-INDICATES NEW LINE OF DIVISION HEREBY ESTABLISHED
	-INDICATES PROPERTY LINE HEREBY ABANDONED
	-INDICATES SOIL BORING
	-INDICATES MONITORING WELL
	-INDICATES PIEZOMETER

TIDAL WETLAND CLASSIFICATION TABLE		
CLASSIFICATION	AREA	OWNERSHIP
#41-MEADOW CORDGRASS/SPIKEGRASS	33,830 SQ. FT.	PRIVATE
#42-MARSH/ELDER/GROUNDSL BUSH	11,546 SQ. FT.	PRIVATE
#49-COMMON REED	17,769 SQ. FT.	PRIVATE
#51-SMOOTH CORDGRASS	33,396 SQ. FT.	STATE



REVISIONS			
No.	DATE	DESCRIPTION	BY
1	9/5/08	REVISED PER 9/3/08 PLANNING COMMISSION	JMC
2	2/5/09	REVISED PER 8/13/08 TAC COMMENTS	JMC
3	7/8/09	REVISED PER 6/10/09 TAC COMMENTS	JMC
4	8/18/09	REVISED PER 7/22/09 CRM COMMENTS	JMC
5	10/19/09	REVISED PER 09/23/09 CRM COMMENTS	JMC
6	12/03/09	REVISED TO EXCLUDE LOT 8 FROM REVISION & SUBDIVISION	JMC
7	01/19/10	REVISED PER 12/23/09 CRM COMMENTS	JMC
8	02/09/10	REVISED PER 01/27/10 CRM COMMENTS	JMC

**Lane Engineering, LLC**  
Established 1986  
Civil Engineers • Land Planning • Land Surveyors  
E-mail: mail@lane.com  
117 Bay St., Easton, MD 21601 (410) 823-8203  
15 Washington St., Cambridge, MD 21613 (410) 231-0818  
354 Pennsylvania Ave., Centerville, MD 21617 (410) 758-2095

DATE: 08/01/2008

FCP TA 2009-11  
SUBDIVISION  
OF THE LANDS OF

LOT 2  
"SHERWOOD FOREST"

IN THE SECOND ELECTION DISTRICT  
TALBOT COUNTY, MARYLAND  
TAX MAP 22 GRID 12 PARCEL 199-LOT 2

ISSUED FOR: DATE: BY:  
FEB 18 2010

SHEET No.	SCALE:
2 OF 3	1"=200'
JOB No. 080638	FILE No. 7143

Date: 02/16/2010 User: jcarroll  
 Project Manager: TDL  
 Drawing Path: C:\2008\080638\080638.dwg XREF File(s): 051097-BASE-BASE.dwg

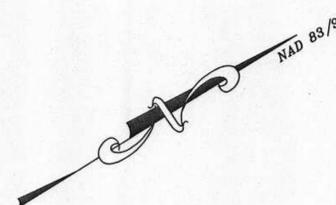
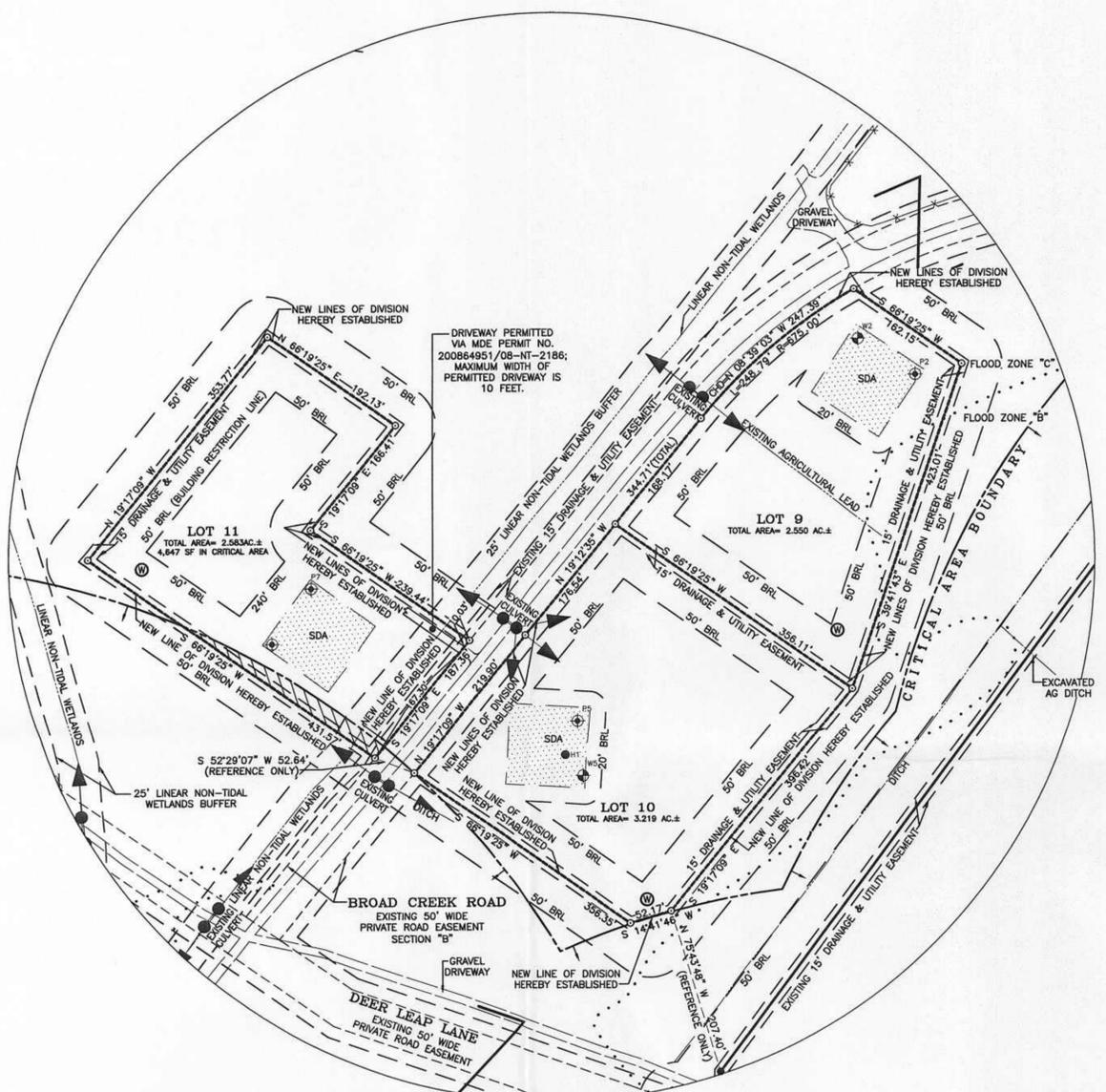
RECEIVED

OCT 18 2010

CRITICAL AREA COMMISSION  
Chesapeake & Atlantic Coastal Bays

REVISIONS

No.	DATE	DESCRIPTION	BY
1	9/5/08	REVISED PER 9/3/08 PLANNING COMMISSION	JMC
2	2/5/09	REVISED PER 8/13/08 TAC COMMENTS	JMC
3	7/8/09	REVISED PER 6/10/09 TAC COMMENTS	JMC
4	8/18/09	REVISED PER 7/22/09 CRM COMMENTS	JMC
5	10/19/09	REVISED PER 09/23/09 CRM COMMENTS	JMC
6	12/03/09	REVISED TO EXCLUDE LOT 8 FROM REVISION & SUBDIVISION	JMC
7	01/19/10	REVISED PER 12/23/09 CRM COMMENTS	JMC
8	02/09/10	REVISED PER 01/27/10 CRM COMMENTS	JMC



**LEGEND**

- -INDICATES IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- -INDICATES IRON ROD SET
- ▨ -INDICATES NO DEVELOPMENT ACTIVITY PERMITTED IN THIS AREA
- ▩ -INDICATES SEWAGE DISPOSAL AREA HEREBY CREATED
- ← -INDICATES PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER FROM OR INTO EXISTING WATERWAY OR NATURAL DRAINAGE COURSE
- -INDICATES PERPETUAL EASEMENT TO DISCHARGE FLOW OF WATER UPON EXISTING GROUND
- ⊕ -INDICATES PROPOSED WELL
- ⊙ -INDICATES NEW LINE OF DIVISION HEREBY ESTABLISHED
- ⊛ -INDICATES SOIL BORING
- ⊚ -INDICATES MONITORING WELL
- ⊕ -INDICATES PIEZOMETER

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354 Pennsylvania Ave. Centerville, MD 21617 (410) 758-2095

NOT VALID FOR CONSTRUCTION UNLESS SIGNED AND DATED HERE:

DATE: 08/01/2008

SEAL

Thomas D. Lane  
08-16-2010 DATE

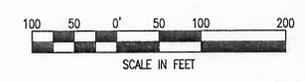
FCP TA 2009-11  
SUBDIVISION  
LOT DETAILS

ON THE LAND OF  
"SHERWOOD FOREST"

IN THE SECOND ELECTION DISTRICT  
TALBOT COUNTY, MARYLAND  
TAX MAP 22 GRID 12 PARCEL 199-LOT 2

ISSUED FOR: DATE: BY:

FEB 18 2010



SHEET No. 3 OF 3  
SCALE: 1"=100'  
JOB No. 080638 FILE No. 7143

Date: 02/12/2010 User: jctroll Project Manager: TD Drawing Path: C:\ewap\Asp\blubbh\_3288\ULD-BASE-080638.dwg XREF File(s): \051097-RAA-BASE.dwg